

J. CHRISTOPHER JACZKO (149317)
ALLISON H. GODDARD (211098)
JACZKO GODDARD LLP
4401 Eastgate Mall
San Diego, CA 92121
Telephone: (858) 404-9205
Facsimile: (858) 225-3500
Email: cjaczko@jaczkogoddard.com
Email: agoddard@jaczkogoddard.com

MATTHEW G. McANDREWS (*Pro Hac Vice*)
FREDERICK C. LANEY (*Pro Hac Vice*)
NIRO, HALLER & NIRO
181 West Madison Street, Suite 4600
Chicago, Illinois 60602
Telephone: (312) 236-0733
Facsimile: (312) 236-3137

Attorneys for Plaintiff
DR SYSTEMS, INC.

**UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF CALIFORNIA**

DR SYSTEMS, INC., a California
corporation,

Plaintiff,

v.

AVREO, INC., CANDELIS, INC.,
CERNER CORPORATION, COACTIV,
LLC., CONNECT IMAGING, INC.,
COMPUTER PROGRAMS AND
SYSTEMS, INC., iCRCO, INC.,
INFINITT NORTH AMERICA, INC.,
MEDWEB CALIFORNIA, LLC,
PENRAD TECHNOLOGIES, INC.,
RADIOLOGY INFORMATION
SYSTEMS, INC., RAMSOFT USA, INC.,
SECTRA NORTH AMERICA, INC.,
THINKING SYSTEMS
CORPORATION, VISAGE IMAGING,
INC., and VISUS USA, LLC,

Defendants.

Case No. **'11CV0932 BEN WVG**

**COMPLAINT FOR PATENT
INFRINGEMENT**

DEMAND FOR JURY TRIAL

///

COMPLAINT

Plaintiff, DR Systems, Inc. (“DR Systems”), complains of defendants, Avreo, Inc. (“Avreo”), Candelis, Inc. (“Candelis”), Cerner Corporation (“Cerner”), CoActiv, LLC (“CoActiv”), Connect Imaging, Inc. (“Connect Imaging”), Computer Programs and Systems, Inc. (“CPSI”), iCRco, Inc. (“iCRco”), Infinitt North America, Inc. (“Infinitt”), Medweb California, LLC (“Medweb”), PenRad Technologies, Inc. (“PenRad”), Radiology Information Systems, Inc. (“RADinfo Systems”), RamSoft USA, Inc. (“RamSoft”), Sectra North America, Inc. (“Sectra”), Thinking Systems Corporation (“Thinking Systems”), Visage Imaging, Inc., (“Visage Imaging”), and Visus USA, LLC, (“Visus USA”) as follows:

NATURE OF LAWSUIT

1. This is a claim for patent infringement arising under the patent laws of the United States, Title 35 of the United States Code.

THE PARTIES

2. DR Systems is a California corporation with its principal place of business at 10140 Mesa Rim Road, San Diego, California 92121. DR Systems is the named assignee of, owns all right, title and interest in, and has standing to sue for infringement of United States Patent No. 5,452,416, entitled “Automated System and Method for Organizing, Presenting and Manipulating Medical Images,” issued September 19, 1995 (“the ‘416 patent”) (Exhibit A). A reexamination certificate confirming the validity of the ‘416 patent issued on April 26, 2001. (Exhibit B).

3. Defendant Avreo is a Louisiana corporation with a place of business at 4050 Azalea Drive, North Charleston, South Carolina 29405. Avreo transacts business and has sold and/or offered to sell to customers in this judicial district and throughout the State of California Picture Archival and Communication Systems (“PACS”) and related products that infringe claims of the ‘416 patent.

1 4. Defendant Candelis is a California corporation with a place of business at 18821
2 Bardeen, Irvine, California 92612. Candelis transacts business and has sold and/or offered to sell to
3 customers in this judicial district and throughout the State of California PACS and related products
4 that infringe claims of the '416 patent.

5 5. Defendant Cerner is a Delaware corporation with a place of business at 2800
6 Rockcreek Parkway, Kansas City, Missouri 64117. Cerner transacts business and has sold and/or
7 offered to sell to customers in this judicial district and throughout the State of California PACS and
8 related products that infringe claims of the '416 patent.

9 6. Defendant CoActiv is a Delaware Limited Liability Company with a place of
10 business at 900 Ethan Allen Highway, Ridgefield, CT 06877. Cerner transacts business and has sold
11 and/or offered to sell to customers in this judicial district and throughout the State of California
12 PACS and related products that infringe claims of the '416 patent.

13 7. Defendant Connect Imaging is a Hawaii corporation with a place of business at 850
14 West Hind Dr., Suite 205, Honolulu, Hawaii 96821. Connect Imaging transacts business and has
15 sold and/or offered to sell to customers in this judicial district and throughout the State of California
16 PACS and related products that infringe claims of the '416 patent.

17 8. Defendant CPSI is a Delaware corporation with a place of business at 6600 Wall
18 Street, Mobile, Alabama 36695. CPSI transacts business and has sold and/or offered to sell to
19 customers in this judicial district and throughout the State of California PACS and related products
20 that infringe claims of the '416 patent.

21 9. Defendant iCRco is a California corporation with a place of business at 2580 West
22 237th St. Torrance, CA 90505. iCRco transacts business and has sold and/or offered to sell to
23 customers in this judicial district and throughout the State of California PACS and related products
24 that infringe claims of the '416 patent.

25 10. Defendant Infinitt is a New Jersey corporation with a place of business at 755
26 Memorial Parkway, Suite 304, Phillipsburg, NJ 08865. Infinitt transacts business and has sold
27
28

1 and/or offered to sell to customers in this judicial district and throughout the State of California
2 PACS and related products that infringe claims of the '416 patent.

3 11. Defendant Medweb is a California corporation with a place of business at 667 Folsom
4 Street, San Francisco, CA 94107. Medweb transacts business and has sold and/or offered to sell to
5 customers in this judicial district and throughout the State of California PACS and related products
6 that infringe claims of the '416 patent.

7 12. Defendant PenRad is a Minnesota corporation with a place of business at 10580
8 Wayzata Blvd., Suite 200, Minnetonka, MN 55305. PenRad transacts business and has sold and/or
9 offered to sell to customers in this judicial district and throughout the State of California PACS and
10 related products that infringe claims of the '416 patent.

11 13. Defendant RADinfo Systems is a Virginia corporation with a place of business at
12 43676 Trade Center Place, Suite 100, Dulles, VA 20166. RADinfo transacts business and has sold
13 and/or offered to sell to customers in this judicial district and throughout the State of California
14 PACS and related products that infringe claims of the '416 patent.

15 14. Defendant RamSoft is a Wyoming corporation with a place of business at 10808
16 Foothill Blvd #160-427, Rancho Cucamonga, California 91730. RamSoft transacts business and has
17 sold and/or offered to sell to customers in this judicial district and throughout the State of California
18 PACS and related products that infringe claims of the '416 patent.

19 15. Defendant Sectra is a Delaware corporation with a place of business at 2 Enterprise
20 Dr., Suite 507, Shelton, Connecticut 06484. Sectra transacts business and has sold and/or offered to
21 sell to customers in this judicial district and throughout the State of California PACS and related
22 products that infringe claims of the '416 patent.

23 16. Defendant Thinking Systems is a Florida corporation with a place of business at 750
24 94th Avenue N., Suite 211, St. Petersburg, FL, 33702. Thinking Systems transacts business and has
25 sold and/or offered to sell to customers in this judicial district and throughout the State of California
26 PACS and related products that infringe claims of the '416 patent.
27
28

1 the '416 patent. Avreo has knowingly and intentionally induced infringement of, without limitation,
2 claims 17, 21, 23, 27, and 29 of the '416 patent through, among other things, the sale, offer for sale,
3 and importation into the United States of its accused medical imaging systems, including the Avreo
4 interVIEW PACS system. The direct infringers that are being induced by Avreo include, without
5 limitation, the physicians who use Avreo's infringing medical imaging systems.

6
7 23. Avreo has also indirectly infringed and continues to indirectly infringe, without
8 limitation, claims 17, 21, 23, 27, and 29 of the '416 patent under 35 U.S.C. § 271(c) through, among
9 other things, the sale, offer for sale and importation into the United States of its accused medical
10 imaging systems, including the Avreo interVIEW PACS system, features of which constitute a
11 material part of the patented inventions of one or more of the claims of the '416 patent and are not a
12 staple article of commerce suitable for non-infringing uses. Avreo knows that the features of its
13 accused medical imaging systems are especially made or adapted for use in an infringement of one
14 or more of the claims of the '416 patent and are not a staple article of commerce suitable for non-
15 infringing uses. The direct infringers for Avreo's contributory infringement under 35 U.S.C. §
16 271(c) include, without limitation, the physicians who use Avreo's infringing medical imaging
17 systems.

18
19 24. Candelis has infringed, without limitation, claims 17, 21, 23, 27, and 29 of the '416
20 patent through, among other activities, its manufacture, use, importation, sale, and/or offer for sale of
21 medical imaging systems such as Picture Archive and Communication Systems ("PACS") covered
22 by one or more of the claims of the '416 patent in the United States within the meaning of 35 U.S.C.
23 § 271(a). Such acts of infringement include making, using, selling, offering to sell in the United
24 States, and importing into the United States the Candelis ImageGrid Radiology Viewer and the
25 Image Grid Mammography Web Viewer.
26
27
28

1 25. Candelis has indirectly infringed and continues to indirectly infringe, without limitation,
2 claims 17, 21, 23, 27, and 29 of the '416 patent under 35 U.S.C. § 271(b) by knowingly and actively
3 inducing infringement of those claims. Upon information and belief, Candelis has actual knowledge
4 of the '416 patent. Candelis has knowingly and intentionally induced infringement of, without
5 limitation, claims 17, 21, 23, 27, and 29 of the '416 patent through, among other things, the sale,
6 offer for sale, and importation into the United States of its accused medical imaging systems,
7 including the Candelis ImageGrid Radiology Viewer and the Image Grid Mammography Web
8 Viewer. The direct infringers that are being induced by Candelis include, without limitation, the
9 physicians who use Candelis' infringing medical imaging systems.
10

11 26. Candelis has also indirectly infringed and continues to indirectly infringe, without
12 limitation, claims 17, 21, 23, 27, and 29 of the '416 patent under 35 U.S.C. § 271(c) through, among
13 other things, the sale, offer for sale and importation into the United States of its accused medical
14 imaging systems, including the the Candelis ImageGrid Radiology Viewer and the Image Grid
15 Mammography Web Viewer, features of which constitute a material part of the patented inventions
16 of one or more of the claims of the '416 patent and are not a staple article of commerce suitable for
17 non-infringing uses. Candelis knows that the features of its accused medical imaging systems are
18 especially made or adapted for use in an infringement of one or more of the claims of the '416 patent
19 and are not a staple article of commerce suitable for non-infringing uses. The direct infringers for
20 Candelis's contributory infringement under 35 U.S.C. § 271(c) include, without limitation, the
21 physicians who use Candelis' infringing medical imaging systems.
22
23

24 27. Cerner has infringed, without limitation, claims 17, 21, 23, 27, and 29 of the '416
25 patent through, among other activities, its manufacture, use, importation, sale, and/or offer for sale of
26 medical imaging systems such as Picture Archive and Communication Systems ("PACS") covered
27 by one or more of the claims of the '416 patent in the United States within the meaning of 35 U.S.C.
28

1 § 271(a). Such acts of infringement include making, using, selling, offering to sell in the United
2 States, and importing into the United States the Cerner ProVision PACS.

3 28. Cerner has indirectly infringed and continues to indirectly infringe, without limitation,
4 claims 17, 21, 23, 27, and 29 of the '416 patent under 35 U.S.C. § 271(b) by knowingly and actively
5 inducing infringement of those claims. Upon information and belief, Cerner has actual knowledge
6 of the '416 patent. Cerner has knowingly and intentionally induced infringement of, without
7 limitation, claims 17, 21, 23, 27, and 29 of the '416 patent through, among other things, the sale,
8 offer for sale, and importation into the United States of its accused medical imaging systems,
9 including the Cerner ProVision PACS. The direct infringers that are being induced by Cerner
10 include, without limitation, the physicians who use Cerner's infringing medical imaging systems.
11

12 29. Cerner has also indirectly infringed and continues to indirectly infringe, without
13 limitation, claims 17, 21, 23, 27, and 29 of the '416 patent under 35 U.S.C. § 271(c) through, among
14 other things, the sale, offer for sale and importation into the United States of its accused medical
15 imaging systems, including the Cerner ProVision PACS, features of which constitute a material part
16 of the patented inventions of one or more of the claims of the '416 patent and are not a staple article
17 of commerce suitable for non-infringing uses. Cerner knows that the features of its accused medical
18 imaging systems are especially made or adapted for use in an infringement of one or more of the
19 claims of the '416 patent and are not a staple article of commerce suitable for non-infringing uses.
20 The direct infringers for Cerner's contributory infringement under 35 U.S.C. § 271(c) include,
21 without limitation, the physicians who use Cerner's infringing medical imaging systems.
22

23 30. CoActiv has infringed, without limitation, claims 17, 21, 23, 27, and 29 of the '416
24 patent through, among other activities, its manufacture, use, importation, sale, and/or offer for sale of
25 medical imaging systems such as Picture Archive and Communication Systems ("PACS") covered
26 by one or more of the claims of the '416 patent in the United States within the meaning of 35 U.S.C.
27
28

1 § 271(a). Such acts of infringement include making, using, selling, offering to sell in the United
2 States, and importing into the United States the CoActiv EXAM-PACS system.

3 31. CoActiv has indirectly infringed and continues to indirectly infringe, without limitation,
4 claims 17, 21, 23, 27, and 29 of the '416 patent under 35 U.S.C. § 271(b) by knowingly and actively
5 inducing infringement of those claims. Upon information and belief, CoActiv has actual knowledge
6 of the '416 patent. CoActiv has knowingly and intentionally induced infringement of, without
7 limitation, claims 17, 21, 23, 27, and 29 of the '416 patent through, among other things, the sale,
8 offer for sale, and importation into the United States of its accused medical imaging systems,
9 including the CoActiv Exam-PACS system. The direct infringers that are being induced by CoActiv
10 include, without limitation, the physicians who use CoActiv's infringing medical imaging systems.
11

12 32. CoActiv has also indirectly infringed and continues to indirectly infringe, without
13 limitation, claims 17, 21, 23, 27, and 29 of the '416 patent under 35 U.S.C. § 271(c) through, among
14 other things, the sale, offer for sale and importation into the United States of its accused medical
15 imaging systems, including the CoActiv Exam-PACS system, features of which constitute a material
16 part of the patented inventions of one or more of the claims of the '416 patent and are not a staple
17 article of commerce suitable for non-infringing uses. CoActiv knows that the features of its accused
18 medical imaging systems are especially made or adapted for use in an infringement of one or more
19 of the claims of the '416 patent and are not a staple article of commerce suitable for non-infringing
20 uses. The direct infringers for CoActiv's contributory infringement under 35 U.S.C. § 271(c)
21 include, without limitation, the physicians who use CoActiv's infringing medical imaging systems.
22

23 33. Connect Imaging has infringed, without limitation, claims 17, 21, 23, 27, and 29 of
24 the '416 patent through, among other activities, its manufacture, use, importation, sale, and/or offer
25 for sale of medical imaging systems such as Picture Archive and Communication Systems ("PACS")
26 covered by one or more of the claims of the '416 patent in the United States within the meaning of
27
28

1 35 U.S.C. § 271(a). Such acts of infringement include making, using, selling, offering to sell in the
2 United States, and importing into the United States the Connect Imaging PACS system.

3 34. Connect Imaging has indirectly infringed and continues to indirectly infringe, without
4 limitation, claims 17, 21, 23, 27, and 29 of the '416 patent under 35 U.S.C. § 271(b) by knowingly
5 and actively inducing infringement of those claims. Upon information and belief, Connect Imaging
6 has actual knowledge of the '416 patent. Connect Imaging has knowingly and intentionally induced
7 infringement of, without limitation, claims 17, 21, 23, 27, and 29 of the '416 patent through, among
8 other things, the sale, offer for sale, and importation into the United States of its accused medical
9 imaging systems, including the Connect Imaging PACS system. The direct infringers that are being
10 induced by Connect Imaging include, without limitation, the physicians who use Connect Imaging's
11 infringing medical imaging systems.
12

13 35. Connect Imaging has also indirectly infringed and continues to indirectly infringe,
14 without limitation, claims 17, 21, 23, 27, and 29 of the '416 patent under 35 U.S.C. § 271(c)
15 through, among other things, the sale, offer for sale and importation into the United States of its
16 accused medical imaging systems, including the Connect Imaging PACS system, features of which
17 constitute a material part of the patented inventions of one or more of the claims of the '416 patent
18 and are not a staple article of commerce suitable for non-infringing uses. Connect Imaging knows
19 that the features of its accused medical imaging systems are especially made or adapted for use in an
20 infringement of one or more of the claims of the '416 patent and are not a staple article of commerce
21 suitable for non-infringing uses. The direct infringers for Connect Imaging's contributory
22 infringement under 35 U.S.C. § 271(c) include, without limitation, the physicians who use Connect
23 Imaging's infringing medical imaging systems.
24

25 36. CPSI has infringed, without limitation, claims 17, 21, 23, 27, and 29 of the '416
26 patent through, among other activities, its manufacture, use, importation, sale, and/or offer for sale of
27
28

1 medical imaging systems such as Picture Archive and Communication Systems ("PACS") covered
2 by one or more of the claims of the '416 patent in the United States within the meaning of 35 U.S.C.
3 § 271(a). Such acts of infringement include making, using, selling, offering to sell in the United
4 States, and importing into the United States the CPSI ImageLink system.

5
6 37. CPSI has indirectly infringed and continues to indirectly infringe, without limitation,
7 claims 17, 21, 23, 27, and 29 of the '416 patent under 35 U.S.C. § 271(b) by knowingly and actively
8 inducing infringement of those claims. Upon information and belief, CPSI has actual knowledge of
9 the '416 patent. CPSI has knowingly and intentionally induced infringement of, without limitation,
10 claims 17, 21, 23, 27, and 29 of the '416 patent through, among other things, the sale, offer for sale,
11 and importation into the United States of its accused medical imaging systems, including the CPSI
12 ImageLink system. The direct infringers that are being induced by CPSI include, without limitation,
13 the physicians who use CPSI's infringing medical imaging systems.
14

15 38. CPSI has also indirectly infringed and continues to indirectly infringe, without
16 limitation, claims 17, 21, 23, 27, and 29 of the '416 patent under 35 U.S.C. § 271(c) through, among
17 other things, the sale, offer for sale and importation into the United States of its accused medical
18 imaging systems, including the CPSI ImageLink system, features of which constitute a material part
19 of the patented inventions of one or more of the claims of the '416 patent and are not a staple article
20 of commerce suitable for non-infringing uses. CPSI knows that the features of its accused medical
21 imaging systems are especially made or adapted for use in an infringement of one or more of the
22 claims of the '416 patent and are not a staple article of commerce suitable for non-infringing uses.
23 The direct infringers for CPSI's contributory infringement under 35 U.S.C. § 271(c) include, without
24 limitation, the physicians who use CPSI's infringing medical imaging systems.
25

26 39. iCRco has infringed, without limitation, claims 17, 21, 23, 27, and 29 of the '416
27 patent through, among other activities, its manufacture, use, importation, sale, and/or offer for sale of
28

1 medical imaging systems such as Picture Archive and Communication Systems ("PACS") covered
2 by one or more of the claims of the '416 patent in the United States within the meaning of 35 U.S.C.
3 § 271(a). Such acts of infringement include making, using, selling, offering to sell in the United
4 States, and importing into the United States the iCRco Clarity PACS system.

5
6 40. iCRco has indirectly infringed and continues to indirectly infringe, without limitation,
7 claims 17, 21, 23, 27, and 29 of the '416 patent under 35 U.S.C. § 271(b) by knowingly and actively
8 inducing infringement of those claims. Upon information and belief, iCRco has actual knowledge of
9 the '416 patent. iCRco has knowingly and intentionally induced infringement of, without limitation,
10 claims 17, 21, 23, 27, and 29 of the '416 patent through, among other things, the sale, offer for sale,
11 and importation into the United States of its accused medical imaging systems, including the iCRco
12 Clarity PACS system. The direct infringers that are being induced by iCRco include, without
13 limitation, the physicians who use iCRco's infringing medical imaging systems.
14

15 41. iCRco has also indirectly infringed and continues to indirectly infringe, without
16 limitation, claims 17, 21, 23, 27, and 29 of the '416 patent under 35 U.S.C. § 271(c) through, among
17 other things, the sale, offer for sale and importation into the United States of its accused medical
18 imaging systems, including the iCRco Clarity PACS system, features of which constitute a material
19 part of the patented inventions of one or more of the claims of the '416 patent and are not a staple
20 article of commerce suitable for non-infringing uses. iCRco knows that the features of its accused
21 medical imaging systems are especially made or adapted for use in an infringement of one or more
22 of the claims of the '416 patent and are not a staple article of commerce suitable for non-infringing
23 uses. The direct infringers for iCRco's contributory infringement under 35 U.S.C. § 271(c) include,
24 without limitation, the physicians who use iCRco's infringing medical imaging systems.
25

26 42. Infinitt has infringed, without limitation, claims 17, 21, 23, 27, and 29 of the '416
27 patent through, among other activities, its manufacture, use, importation, sale, and/or offer for sale of
28

1 medical imaging systems such as Picture Archive and Communication Systems ("PACS") covered
2 by one or more of the claims of the '416 patent in the United States within the meaning of 35 U.S.C.
3 § 271(a). Such acts of infringement include making, using, selling, offering to sell in the United
4 States, and importing into the United States the Infinitt PACS system.

5 43. Infinitt has indirectly infringed and continues to indirectly infringe, without
6 limitation, claims 17, 21, 23, 27, and 29 of the '416 patent under 35 U.S.C. § 271(b) by knowingly
7 and actively inducing infringement of those claims. Upon information and belief, Infinitt has actual
8 knowledge of the '416 patent. Infinitt has knowingly and intentionally induced infringement of,
9 without limitation, claims 17, 21, 23, 27, and 29 of the '416 patent through, among other things, the
10 sale, offer for sale, and importation into the United States of its accused medical imaging systems,
11 including the Infinitt PACS system. The direct infringers that are being induced by iCRco include,
12 without limitation, the physicians who use Infinitt's infringing medical imaging systems.

13 44. Infinitt has also indirectly infringed and continues to indirectly infringe, without
14 limitation, claims 17, 21, 23, 27, and 29 of the '416 patent under 35 U.S.C. § 271(c) through, among
15 other things, the sale, offer for sale and importation into the United States of its accused medical
16 imaging systems, including the Infinitt PACS system, features of which constitute a material part of
17 the patented inventions of one or more of the claims of the '416 patent and are not a staple article of
18 commerce suitable for non-infringing uses. Infinitt knows that the features of its accused medical
19 imaging systems are especially made or adapted for use in an infringement of one or more of the
20 claims of the '416 patent and are not a staple article of commerce suitable for non-infringing uses.
21 The direct infringers for Infinitt's contributory infringement under 35 U.S.C. § 271(c) include,
22 without limitation, the physicians who use Infitt's infringing medical imaging systems.

23 45. Medweb has infringed, without limitation, claims 17, 21, 23, 27, and 29 of the '416
24 patent through, among other activities, its manufacture, use, importation, sale, and/or offer for sale of
25
26
27
28

1 medical imaging systems such as Picture Archive and Communication Systems ("PACS") covered
2 by one or more of the claims of the '416 patent in the United States within the meaning of 35 U.S.C.
3 § 271(a). Such acts of infringement include making, using, selling, offering to sell in the United
4 States, and importing into the United States the Medweb PACS system.

5
6 46. Medweb has indirectly infringed and continues to indirectly infringe, without
7 limitation, claims 17, 21, 23, 27, and 29 of the '416 patent under 35 U.S.C. § 271(b) by knowingly
8 and actively inducing infringement of those claims. Upon information and belief, Infinitt has actual
9 knowledge of the '416 patent. Medweb has knowingly and intentionally induced infringement of,
10 without limitation, claims 17, 21, 23, 27, and 29 of the '416 patent through, among other things, the
11 sale, offer for sale, and importation into the United States of its accused medical imaging systems,
12 including the Medweb PACS system. The direct infringers that are being induced by Medweb
13 include, without limitation, the physicians who use Medweb's infringing medical imaging systems.

14
15 47. Medweb has also indirectly infringed and continues to indirectly infringe, without
16 limitation, claims 17, 21, 23, 27, and 29 of the '416 patent under 35 U.S.C. § 271(c) through, among
17 other things, the sale, offer for sale and importation into the United States of its accused medical
18 imaging systems, including the Medweb PACS system, features of which constitute a material part
19 of the patented inventions of one or more of the claims of the '416 patent and are not a staple article
20 of commerce suitable for non-infringing uses. Medweb knows that the features of its accused
21 medical imaging systems are especially made or adapted for use in an infringement of one or more
22 of the claims of the '416 patent and are not a staple article of commerce suitable for non-infringing
23 uses. The direct infringers for Medweb's contributory infringement under 35 U.S.C. § 271(c)
24 include, without limitation, the physicians who use Medweb's infringing medical imaging systems.

25
26 48. PenRad has infringed, without limitation, claims 17, 21, 23, 27, and 29 of the '416
27 patent through, among other activities, its manufacture, use, importation, sale, and/or offer for sale of
28

1 medical imaging systems such as Picture Archive and Communication Systems ("PACS") covered
2 by one or more of the claims of the '416 patent in the United States within the meaning of 35 U.S.C.
3 § 271(a). Such acts of infringement include making, using, selling offering to sell in the United
4 States, and importing into the United States the PenRad PenView Workstation.

5
6 49. PenRad has indirectly infringed and continues to indirectly infringe, without
7 limitation, claims 17, 21, 23, 27, and 29 of the '416 patent under 35 U.S.C. § 271(b) by knowingly
8 and actively inducing infringement of those claims. Upon information and belief, PenRad has actual
9 knowledge of the '416 patent. PenRad has knowingly and intentionally induced infringement of,
10 without limitation, claims 17, 21, 23, 27, and 29 of the '416 patent through, among other things, the
11 sale, offer for sale, and importation into the United States of its accused medical imaging systems,
12 including the PenRad PenView Workstation. The direct infringers that are being induced by PenRad
13 include, without limitation, the physicians who use PenRad's infringing medical imaging systems.

14
15 50. PenRad has also indirectly infringed and continues to indirectly infringe, without
16 limitation, claims 17, 21, 23, 27, and 29 of the '416 patent under 35 U.S.C. § 271(c) through, among
17 other things, the sale, offer for sale and importation into the United States of its accused medical
18 imaging systems, including the PenRad PenView Workstation, features of which constitute a
19 material part of the patented inventions of one or more of the claims of the '416 patent and are not a
20 staple article of commerce suitable for non-infringing uses. PenRad knows that the features of its
21 accused medical imaging systems are especially made or adapted for use in an infringement of one
22 or more of the claims of the '416 patent and are not a staple article of commerce suitable for non-
23 infringing uses. The direct infringers for PenRad's contributory infringement under 35 U.S.C. §
24 271(c) include, without limitation, the physicians who use PenRad's infringing medical imaging
25 systems.
26
27
28

1 51. RADinfo has infringed, without limitation, claims 17, 21, 23, 27, and 29 of the '416
2 patent through, among other activities, its manufacture, use, importation, sale, and/or offer for sale of
3 medical imaging systems such as Picture Archive and Communication Systems ("PACS") covered
4 by one or more of the claims of the '416 patent in the United States within the meaning of 35 U.S.C.
5 § 271(a). Such acts of infringement include making, using, selling, offering to sell in the United
6 States, and importing into the United States the RADinfo Scan View System.
7

8 52. RADinfo has indirectly infringed and continues to indirectly infringe, without
9 limitation, claims 17, 21, 23, 27, and 29 of the '416 patent under 35 U.S.C. § 271(b) by knowingly
10 and actively inducing infringement of those claims. Upon information and belief, RADinfo has
11 actual knowledge of the '416 patent. RADinfo has knowingly and intentionally induced
12 infringement of, without limitation, claims 17, 21, 23, 27, and 29 of the '416 patent through, among
13 other things, the sale, offer for sale, and importation into the United States of its accused medical
14 imaging systems, including the RADinfo Scan View System. The direct infringers that are being
15 induced by RADinfo include, without limitation, the physicians who use RADinfo's infringing
16 medical imaging systems.
17

18 53. RADinfo has also indirectly infringed and continues to indirectly infringe, without
19 limitation, claims 17, 21, 23, 27, and 29 of the '416 patent under 35 U.S.C. § 271(c) through, among
20 other things, the sale, offer for sale and importation into the United States of its accused medical
21 imaging systems, including the RADinfo Scan View System, features of which constitute a material
22 part of the patented inventions of one or more of the claims of the '416 patent and are not a staple
23 article of commerce suitable for non-infringing uses. RADinfo knows that the features of its accused
24 medical imaging systems are especially made or adapted for use in an infringement of one or more
25 of the claims of the '416 patent and are not a staple article of commerce suitable for non-infringing
26
27
28

1 uses. The direct infringers for RADinfo's contributory infringement under 35 U.S.C. § 271(c)
2 include, without limitation, the physicians who use RADinfo's infringing medical imaging systems.

3 54. RamSoft has infringed, without limitation, claims 17, 21, 23, 27, and 29 of the '416
4 patent through, among other activities, its manufacture, use, importation, sale, and/or offer for sale of
5 medical imaging systems such as Picture Archive and Communication Systems ("PACS") covered
6 by one or more of the claims of the '416 patent in the United States within the meaning of 35 U.S.C.
7 § 271(a). Such acts of infringement include making, using, selling, offering to sell in the United
8 States, and importing into the United States the RamSoft PowerServer PACS system.

9 55. RamSoft has indirectly infringed and continues to indirectly infringe, without
10 limitation, claims 17, 21, 23, 27, and 29 of the '416 patent under 35 U.S.C. § 271(b) by knowingly
11 and actively inducing infringement of those claims. Upon information and belief, RamSoft has
12 actual knowledge of the '416 patent. RamSoft has knowingly and intentionally induced
13 infringement of, without limitation, claims 17, 21, 23, 27, and 29 of the '416 patent through, among
14 other things, the sale, offer for sale, and importation into the United States of its accused medical
15 imaging systems, including the RamSoft PowerServer PACS System. The direct infringers that are
16 being induced by RamSoft include, without limitation, the physicians who use RamSoft's infringing
17 medical imaging systems.

18 56. RamSoft has also indirectly infringed and continues to indirectly infringe, without
19 limitation, claims 17, 21, 23, 27, and 29 of the '416 patent under 35 U.S.C. § 271(c) through, among
20 other things, the sale, offer for sale and importation into the United States of its accused medical
21 imaging systems, including the RamSoft PowerServer PACS System, features of which constitute a
22 material part of the patented inventions of one or more of the claims of the '416 patent and are not a
23 staple article of commerce suitable for non-infringing uses. RamSoft knows that the features of its
24 accused medical imaging systems are especially made or adapted for use in an infringement of one
25
26
27
28

1 or more of the claims of the '416 patent and are not a staple article of commerce suitable for non-
2 infringing uses. The direct infringers for RamSoft's contributory infringement under 35 U.S.C. §
3 271(c) include, without limitation, the physicians who use RamSoft's infringing medical imaging
4 systems.

5
6 57. Sectra has infringed, without limitation, claims 17, 21, 23, 27, and 29 of the '416
7 patent through, among other activities, its manufacture, use, importation, sale, and/or offer for sale of
8 medical imaging systems such as Picture Archive and Communication Systems ("PACS") covered
9 by one or more of the claims of the '416 patent in the United States within the meaning of 35 U.S.C.
10 § 271(a). Such acts of infringement include making, using, selling, offering to sell in the United
11 States, and importing into the United States the Sectra IDS7 PACS system.

12
13 58. Sectra has indirectly infringed and continues to indirectly infringe, without limitation,
14 claims 17, 21, 23, 27, and 29 of the '416 patent under 35 U.S.C. § 271(b) by knowingly and actively
15 inducing infringement of those claims. Upon information and belief, Sectra has actual knowledge of
16 the '416 patent. Sectra has knowingly and intentionally induced infringement of, without limitation,
17 claims 17, 21, 23, 27, and 29 of the '416 patent through, among other things, the sale, offer for sale,
18 and importation into the United States of its accused medical imaging systems, including the Sectra
19 IDS7 PACS System. The direct infringers that are being induced by Sectra include, without
20 limitation, the physicians who use Sectra's infringing medical imaging systems.

21
22 59. Sectra has also indirectly infringed and continues to indirectly infringe, without
23 limitation, claims 17, 21, 23, 27, and 29 of the '416 patent under 35 U.S.C. § 271(c) through, among
24 other things, the sale, offer for sale and importation into the United States of its accused medical
25 imaging systems, including the Sectra IDS7 PACS System, features of which constitute a material
26 part of the patented inventions of one or more of the claims of the '416 patent and are not a staple
27 article of commerce suitable for non-infringing uses. Sectra knows that the features of its accused
28

1 medical imaging systems are especially made or adapted for use in an infringement of one or more
2 of the claims of the '416 patent and are not a staple article of commerce suitable for non-infringing
3 uses. The direct infringers for Sectra's contributory infringement under 35 U.S.C. § 271(c) include,
4 without limitation, the physicians who use Sectra's infringing medical imaging systems.

5
6 60. Thinking Systems has infringed, without limitation, claims 17, 21, 23, 27, and 29 of
7 the '416 patent through, among other activities, its manufacture, use, importation, sale, and/or offer
8 for sale of medical imaging systems such as Picture Archive and Communication Systems ("PACS")
9 covered by one or more of the claims of the '416 patent in the United States within the meaning of
10 35 U.S.C. § 271(a). Such acts of infringement include making, using, selling, offering to sell in the
11 United States, and importing into the United States the MDStation product.

12
13 61. Thinking Systems has indirectly infringed and continues to indirectly infringe,
14 without limitation, claims 17, 21, 23, 27, and 29 of the '416 patent under 35 U.S.C. § 271(b) by
15 knowingly and actively inducing infringement of those claims. Upon information and belief,
16 Thinking Systems has actual knowledge of the '416 patent. Thinking Systems has knowingly and
17 intentionally induced infringement of, without limitation, claims 17, 21, 23, 27, and 29 of the '416
18 patent through, among other things, the sale, offer for sale, and importation into the United States of
19 its accused medical imaging systems, including the MDStation product. The direct infringers that
20 are being induced by Thinking Systems include, without limitation, the physicians who use Thinking
21 System's infringing medical imaging systems.

22
23 62. Thinking Systems has also indirectly infringed and continues to indirectly infringe,
24 without limitation, claims 17, 21, 23, 27, and 29 of the '416 patent under 35 U.S.C. § 271(c)
25 through, among other things, the sale, offer for sale and importation into the United States of its
26 accused medical imaging systems, including the MDStation product, features of which constitute a
27 material part of the patented inventions of one or more of the claims of the '416 patent and are not a
28

1 staple article of commerce suitable for non-infringing uses. Thinking Systems knows that the
2 features of its accused medical imaging systems are especially made or adapted for use in an
3 infringement of one or more of the claims of the '416 patent and are not a staple article of commerce
4 suitable for non-infringing uses. The direct infringers for Thinking System's contributory
5 infringement under 35 U.S.C. § 271(c) include, without limitation, the physicians who use Thinking
6 System's infringing medical imaging systems.
7

8 63. Visage Imaging has infringed, without limitation, claims 17, 21, 23, 27, and 29 of the
9 '416 patent through, among other activities, its manufacture, use, importation, sale, and/or offer for
10 sale of medical imaging systems such as Picture Archive and Communication Systems ("PACS")
11 covered by one or more of the claims of the '416 patent in the United States within the meaning of
12 35 U.S.C. § 271(a). Such acts of infringement include making, using, selling, offering to sell in the
13 United States, and importing into the United States the Visage 7 system.
14

15 64. Visage Imaging has indirectly infringed and continues to indirectly infringe, without
16 limitation, claims 17, 21, 23, 27, and 29 of the '416 patent under 35 U.S.C. § 271(b) by knowingly
17 and actively inducing infringement of those claims. Upon information and belief, Visage Imaging
18 has actual knowledge of the '416 patent. Visage Imaging has knowingly and intentionally induced
19 infringement of, without limitation, claims 17, 21, 23, 27, and 29 of the '416 patent through, among
20 other things, the sale, offer for sale, and importation into the United States of its accused medical
21 imaging systems, including the Visage 7 system. The direct infringers that are being induced by
22 Visage Imaging include, without limitation, the physicians who use Visage Imaging's infringing
23 medical imaging systems.
24

25 65. Visage Imaging has also indirectly infringed and continues to indirectly infringe,
26 without limitation, claims 17, 21, 23, 27, and 29 of the '416 patent under 35 U.S.C. § 271(c)
27 through, among other things, the sale, offer for sale and importation into the United States of its
28

1 accused medical imaging systems, including the Visage 7 System, features of which constitute a
2 material part of the patented inventions of one or more of the claims of the '416 patent and are not a
3 staple article of commerce suitable for non-infringing uses. Visage Imaging knows that the features
4 of its accused medical imaging systems are especially made or adapted for use in an infringement of
5 one or more of the claims of the '416 patent and are not a staple article of commerce suitable for
6 non-infringing uses. The direct infringers for Visage Imaging's contributory infringement under 35
7 U.S.C. § 271(c) include, without limitation, the physicians who use Visage Imaging's infringing
8 medical imaging systems.
9

10 66. Visus USA has infringed, without limitation, claims 17, 21, 23, 27, and 29 of the '416
11 patent through, among other activities, its use, importation, sale, and/or offer for sale of medical
12 imaging systems such as Picture Archive and Communication Systems ("PACS") covered by one or
13 more of the claims of the '416 patent in the United States within the meaning of 35 U.S.C. § 271(a).
14 Such acts of infringement include, using, selling, offering to sell in the United States, and importing
15 into the United States the JiveX Mammography Enterprise PACS system.
16

17 67. Visus USA has indirectly infringed and continues to indirectly infringe, without
18 limitation, claims 17, 21, 23, 27, and 29 of the '416 patent under 35 U.S.C. § 271(b) by knowingly
19 and actively inducing infringement of those claims. Upon information and belief, Visus USA has
20 actual knowledge of the '416 patent. Visus USA has knowingly and intentionally induced
21 infringement of, without limitation, claims 17, 21, 23, 27, and 29 of the '416 patent through, among
22 other things, the sale, offer for sale, and importation into the United States of its accused medical
23 imaging systems, including the JiveX Mammography Enterprise PACS system. The direct
24 infringers that are being induced by Visage Imaging include, without limitation, the physicians who
25 use Visus USA's infringing medical imaging systems.
26
27
28

1 68. Visus USA has also indirectly infringed and continues to indirectly infringe, without
2 limitation, claims 17, 21, 23, 27, and 29 of the '416 patent under 35 U.S.C. § 271(c) through, among
3 other things, the sale, offer for sale and importation into the United States of its accused medical
4 imaging systems, including the JiveX Mammography Enterprise PACS system, features of which
5 constitute a material part of the patented inventions of one or more of the claims of the '416 patent
6 and are not a staple article of commerce suitable for non-infringing uses. Visus USA knows that the
7 features of its accused medical imaging systems are especially made or adapted for use in an
8 infringement of one or more of the claims of the '416 patent and are not a staple article of commerce
9 suitable for non-infringing uses. The direct infringers for Visus USA's contributory infringement
10 under 35 U.S.C. § 271(c) include, without limitation, the physicians who use Visus USA's infringing
11 medical imaging systems.
12

13 69. Defendants' infringement has injured and will continue to injure DR Systems, unless
14 and until this Court enters an injunction prohibiting further infringement and, specifically, enjoining
15 further manufacture, use, importation, sale and/or offer for sale of products, systems, and websites
16 that fall within the scope of the asserted claims of the '416 patent.
17

18
19 **NOTICE, KNOWLEDGE, AND WILLFULNESS**
20

21 70. DR Systems has complied with all applicable provisions of 35 U.S.C. § 287 regarding
22 marking and notice of the '416 patent.

23 71. Each defendant's infringement has occurred with knowledge of the '416 patent and
24 willfully and deliberately in violation of 35 U.S.C. § 284. Each defendant has not taken adequate
25 and necessary steps to avoid infringement. Instead, each defendant has continued to infringe the
26
27
28

1 '416 patent in an objectively reckless manner, with complete disregard of DR System's rights in the
2 '416 patent.

3
4 **PRAYER FOR RELIEF**

5 WHEREFORE, DR Systems prays as follows:

6 A. For entry of judgment in favor of DR Systems and against each of the Defendants,
7 and against each of the Defendants' subsidiaries, affiliates, agents, servants, employees and all
8 persons in active concert or participation with it, granting the following relief:

9 B. An award of damages adequate to compensate DR Systems for the infringement that
10 has occurred, together with prejudgment interest from the date infringement of the '416 patent
11 began;

12 C. A finding that this case is exceptional and an award to DR Systems of its attorneys'
13 fees and costs as provided by 35 U.S.C. § 285;

14 D. A permanent injunction prohibiting further infringement of the '416 patent; and,

15 E. Such other and further relief as this Court or a jury may deem proper and just.
16

17
18 Dated: May 2, 2011

JACZKO GODDARD LLP

19 NIRO, SCAVONE, HALLER & NIRO

20
21 By: /s/ J. Christopher Jaczko
22 J. Christopher Jaczko

23 Attorneys for Plaintiff
24 DR SYSTEMS, INC.
25
26
27
28

JURY DEMAND

Plaintiff DR Systems demands a trial by jury on all issues presented in this Complaint triable by jury.

Dated: May 2, 2011

JACZKO GODDARD LLP

NIRO, SCAVONE, HALLER & NIRO

By: /s/ J. Christopher Jaczko
J. Christopher Jaczko

Attorneys for Plaintiff
DR SYSTEMS, INC.

CIVIL COVER SHEET

The JS 44 civil cover sheet and the information contained herein neither replace nor supplement the filing and service of pleadings or other papers as required by law, except as provided by local rules of court. This form, approved by the Judicial Conference of the United States in September 1974, is required for the use of the Clerk of Court for the purpose of initiating the civil docket sheet. (SEE INSTRUCTIONS ON THE REVERSE OF THE FORM.)

I. (a) PLAINTIFFS

R SYSTEMS, INC., a California corporation,

(b) County of Residence of First Listed Plaintiff San Diego, California
(EXCEPT IN U.S. PLAINTIFF CASES)

(c) Attorney's (Firm Name, Address, and Telephone Number)
See Attachment

DEFENDANTSAVREO, INC., CANDELIS, INC., CERNER CORPORATION,
COACTIV, LLC, CONNECT IMAGING, INC., COMPUTER

County of Residence of First Listed Defendant Charleston, South Caro
(IN U.S. PLAINTIFF CASES ONLY)

NOTE: IN LAND CONDEMNATION CASES, USE THE LOCATION OF THE
LAND INVOLVED.

Attorneys (If Known)

'11 CV0932 BEN WVG**II. BASIS OF JURISDICTION** (Place an "X" in One Box Only)

- ☐ 1 U.S. Government Plaintiff ☒ 3 Federal Question (U.S. Government Not a Party)
- ☐ 2 U.S. Government Defendant ☐ 4 Diversity (Indicate Citizenship of Parties in Item III)

III. CITIZENSHIP OF PRINCIPAL PARTIES (Place an "X" in One Box for Plaintiff and One Box for Defendant)

- | | | | | | |
|---|----------------------------|----------------------------|---|---------------------------------------|---------------------------------------|
| | PTF | DEF | | PTF | DEF |
| Citizen of This State | <input type="checkbox"/> 1 | <input type="checkbox"/> 1 | Incorporated or Principal Place of Business in This State | <input checked="" type="checkbox"/> 4 | <input checked="" type="checkbox"/> 4 |
| Citizen of Another State | <input type="checkbox"/> 2 | <input type="checkbox"/> 2 | Incorporated and Principal Place of Business in Another State | <input type="checkbox"/> 5 | <input checked="" type="checkbox"/> 5 |
| Citizen or Subject of a Foreign Country | <input type="checkbox"/> 3 | <input type="checkbox"/> 3 | Foreign Nation | <input type="checkbox"/> 6 | <input type="checkbox"/> 6 |

IV. NATURE OF SUIT (Place an "X" in One Box Only)

CONTRACT	TORTS	FORFEITURE/PENALTY	BANKRUPTCY	OTHER STATUTES
<input type="checkbox"/> 110 Insurance <input type="checkbox"/> 120 Marine <input type="checkbox"/> 130 Miller Act <input type="checkbox"/> 140 Negotiable Instrument <input type="checkbox"/> 150 Recovery of Overpayment & Enforcement of Judgment <input type="checkbox"/> 151 Medicare Act <input type="checkbox"/> 152 Recovery of Defaulted Student Loans (Excl. Veterans) <input type="checkbox"/> 153 Recovery of Overpayment of Veteran's Benefits <input type="checkbox"/> 160 Stockholders' Suits <input type="checkbox"/> 190 Other Contract <input type="checkbox"/> 195 Contract Product Liability <input type="checkbox"/> 196 Franchise	PERSONAL INJURY <input type="checkbox"/> 310 Airplane <input type="checkbox"/> 315 Airplane Product Liability <input type="checkbox"/> 320 Assault, Libel & Slander <input type="checkbox"/> 330 Federal Employers' Liability <input type="checkbox"/> 340 Marine <input type="checkbox"/> 345 Marine Product Liability <input type="checkbox"/> 350 Motor Vehicle <input type="checkbox"/> 355 Motor Vehicle Product Liability <input type="checkbox"/> 360 Other Personal Injury	PERSONAL INJURY <input type="checkbox"/> 362 Personal Injury - Med. Malpractice <input type="checkbox"/> 365 Personal Injury - Product Liability <input type="checkbox"/> 368 Asbestos Personal Injury Product Liability PERSONAL PROPERTY <input type="checkbox"/> 370 Other Fraud <input type="checkbox"/> 371 Truth in Lending <input type="checkbox"/> 380 Other Personal Property Damage <input type="checkbox"/> 385 Property Damage Product Liability	<input type="checkbox"/> 422 Appeal 28 USC 158 <input type="checkbox"/> 423 Withdrawal 28 USC 157 PROPERTY RIGHTS <input type="checkbox"/> 820 Copyrights <input checked="" type="checkbox"/> 830 Patent <input type="checkbox"/> 840 Trademark SOCIAL SECURITY <input type="checkbox"/> 861 HIA (1395ff) <input type="checkbox"/> 862 Black Lung (923) <input type="checkbox"/> 863 DIWC/DIWW (405(g)) <input type="checkbox"/> 864 SSID Title XVI <input type="checkbox"/> 865 RSI (405(g)) FEDERAL TAX SUITS <input type="checkbox"/> 870 Taxes (U.S. Plaintiff or Defendant) <input type="checkbox"/> 871 IRS—Third Party 26 USC 7609	<input type="checkbox"/> 400 State Reapportionment <input type="checkbox"/> 410 Antitrust <input type="checkbox"/> 430 Banks and Banking <input type="checkbox"/> 450 Commerce <input type="checkbox"/> 460 Deportation <input type="checkbox"/> 470 Racketeer Influenced and Corrupt Organizations <input type="checkbox"/> 480 Consumer Credit <input type="checkbox"/> 490 Cable/Sat TV <input type="checkbox"/> 810 Selective Service <input type="checkbox"/> 850 Securities/Commodities/Exchange <input type="checkbox"/> 875 Customer Challenge 12 USC 3410 <input type="checkbox"/> 890 Other Statutory Actions <input type="checkbox"/> 891 Agricultural Acts <input type="checkbox"/> 892 Economic Stabilization Act <input type="checkbox"/> 893 Environmental Matters <input type="checkbox"/> 894 Energy Allocation Act <input type="checkbox"/> 895 Freedom of Information Act <input type="checkbox"/> 900 Appeal of Fee Determination Under Equal Access to Justice <input type="checkbox"/> 950 Constitutionality of State Statutes
REAL PROPERTY <input type="checkbox"/> 210 Land Condemnation <input type="checkbox"/> 220 Foreclosure <input type="checkbox"/> 230 Rent Lease & Ejectment <input type="checkbox"/> 240 Torts to Land <input type="checkbox"/> 245 Tort Product Liability <input type="checkbox"/> 290 All Other Real Property	CIVIL RIGHTS <input type="checkbox"/> 441 Voting <input type="checkbox"/> 442 Employment <input type="checkbox"/> 443 Housing/Accommodations <input type="checkbox"/> 444 Welfare <input type="checkbox"/> 445 Amer. w/Disabilities - Employment <input type="checkbox"/> 446 Amer. w/Disabilities - Other <input type="checkbox"/> 440 Other Civil Rights	PRISONER PETITIONS <input type="checkbox"/> 510 Motions to Vacate Sentence <input type="checkbox"/> 530 General <input type="checkbox"/> 535 Death Penalty <input type="checkbox"/> 540 Mandamus & Other <input type="checkbox"/> 550 Civil Rights <input type="checkbox"/> 555 Prison Condition	LABOR <input type="checkbox"/> 710 Fair Labor Standards Act <input type="checkbox"/> 720 Labor/Mgmt. Relations <input type="checkbox"/> 730 Labor/Mgmt. Reporting & Disclosure Act <input type="checkbox"/> 740 Railway Labor Act <input type="checkbox"/> 790 Other Labor Litigation <input type="checkbox"/> 791 Empl. Ret. Inc. Security Act IMMIGRATION <input type="checkbox"/> 462 Naturalization Application <input type="checkbox"/> 463 Habeas Corpus - Alien Detainee <input type="checkbox"/> 465 Other Immigration Actions	

V. ORIGIN

(Place an "X" in One Box Only)

- ☒ 1 Original Proceeding ☐ 2 Removed from State Court ☐ 3 Remanded from Appellate Court ☐ 4 Reinstated or Reopened ☐ 5 Transferred from another district (specify) ☐ 6 Multidistrict Litigation ☐ 7 Appeal to District Judge from Magistrate Judgment

VI. CAUSE OF ACTION

Cite the U.S. Civil Statute under which you are filing (Do not cite jurisdictional statutes unless diversity):
35 U.S.C. Sections 271, et seq.

Brief description of cause:
Patent Infringement

VII. REQUESTED IN COMPLAINT:

☐ CHECK IF THIS IS A CLASS ACTION UNDER F.R.C.P. 23

DEMAND \$

CHECK YES only if demanded in complaint:

JURY DEMAND: ☒ Yes ☐ No**VIII. RELATED CASE(S) IF ANY**

(See instructions):

JUDGE

DOCKET NUMBER

DATE

SIGNATURE OF ATTORNEY OF RECORD

05/02/2011

/s/ J. Christopher Jaczko

FOR OFFICE USE ONLY

RECEIPT # _____ AMOUNT _____ APPLYING IFP _____ JUDGE _____ MAG. JUDGE _____

INSTRUCTIONS FOR ATTORNEYS COMPLETING CIVIL COVER SHEET FORM JS 44**Authority For Civil Cover Sheet**

The JS 44 civil cover sheet and the information contained herein neither replaces nor supplements the filings and service of pleading or other papers as required by law, except as provided by local rules of court. This form, approved by the Judicial Conference of the United States in September 1974, is required for the use of the Clerk of Court for the purpose of initiating the civil docket sheet. Consequently, a civil cover sheet is submitted to the Clerk of Court for each civil complaint filed. The attorney filing a case should complete the form as follows:

I. (a) Plaintiffs-Defendants. Enter names (last, first, middle initial) of plaintiff and defendant. If the plaintiff or defendant is a government agency, use only the full name or standard abbreviations. If the plaintiff or defendant is an official within a government agency, identify first the agency and then the official, giving both name and title.

(b) County of Residence. For each civil case filed, except U.S. plaintiff cases, enter the name of the county where the first listed plaintiff resides at the time of filing. In U.S. plaintiff cases, enter the name of the county in which the first listed defendant resides at the time of filing. (NOTE: In land condemnation cases, the county of residence of the "defendant" is the location of the tract of land involved.)

(c) Attorneys. Enter the firm name, address, telephone number, and attorney of record. If there are several attorneys, list them on an attachment, noting in this section "(see attachment)".

II. Jurisdiction. The basis of jurisdiction is set forth under Rule 8(a), F.R.C.P., which requires that jurisdictions be shown in pleadings. Place an "X" in one of the boxes. If there is more than one basis of jurisdiction, precedence is given in the order shown below.

United States plaintiff. (1) Jurisdiction based on 28 U.S.C. 1345 and 1348. Suits by agencies and officers of the United States are included here.

United States defendant. (2) When the plaintiff is suing the United States, its officers or agencies, place an "X" in this box.

Federal question. (3) This refers to suits under 28 U.S.C. 1331, where jurisdiction arises under the Constitution of the United States, an amendment to the Constitution, an act of Congress or a treaty of the United States. In cases where the U.S. is a party, the U.S. plaintiff or defendant code takes precedence, and box 1 or 2 should be marked.

Diversity of citizenship. (4) This refers to suits under 28 U.S.C. 1332, where parties are citizens of different states. When Box 4 is checked, the citizenship of the different parties must be checked. (See Section III below; federal question actions take precedence over diversity cases.)

III. Residence (citizenship) of Principal Parties. This section of the JS 44 is to be completed if diversity of citizenship was indicated above. Mark this section for each principal party.

IV. Nature of Suit. Place an "X" in the appropriate box. If the nature of suit cannot be determined, be sure the cause of action, in Section VI below, is sufficient to enable the deputy clerk or the statistical clerks in the Administrative Office to determine the nature of suit. If the cause fits more than one nature of suit, select the most definitive.

V. Origin. Place an "X" in one of the seven boxes.

Original Proceedings. (1) Cases which originate in the United States district courts.

Removed from State Court. (2) Proceedings initiated in state courts may be removed to the district courts under Title 28 U.S.C., Section 1441. When the petition for removal is granted, check this box.

Remanded from Appellate Court. (3) Check this box for cases remanded to the district court for further action. Use the date of remand as the filing date.

Reinstated or Reopened. (4) Check this box for cases reinstated or reopened in the district court. Use the reopening date as the filing date.

Transferred from Another District. (5) For cases transferred under Title 28 U.S.C. Section 1404(a). Do not use this for within district transfers or multidistrict litigation transfers.

Multidistrict Litigation. (6) Check this box when a multidistrict case is transferred into the district under authority of Title 28 U.S.C. Section 1407. When this box is checked, do not check (5) above.

Appeal to District Judge from Magistrate Judgment. (7) Check this box for an appeal from a magistrate judge's decision.

VI. Cause of Action. Report the civil statute directly related to the cause of action and give a brief description of the cause. **Do not cite jurisdictional statutes unless diversity.** Example: U.S. Civil Statute: 47 USC 553
Brief Description: Unauthorized reception of cable service

VII. Requested in Complaint. Class Action. Place an "X" in this box if you are filing a class action under Rule 23, F.R.Cv.P.

Demand. In this space enter the dollar amount (in thousands of dollars) being demanded or indicate other demand such as a preliminary injunction.

Jury Demand. Check the appropriate box to indicate whether or not a jury is being demanded.

VIII. Related Cases. This section of the JS 44 is used to reference related pending cases if any. If there are related pending cases, insert the docket numbers and the corresponding judge names for such cases.

Date and Attorney Signature. Date and sign the civil cover sheet.

ATTACHMENT TO CIVIL COVER SHEET FOR ITEM I(c)

DR SYSTEMS, INC. v. AVREO, INC., et al.

The following are the attorneys for Plaintiff DR Systems, Inc.:

J. CHRISTOPHER JACZKO (149317)

ALLISON H. GODDARD (211098)

JACZKO GODDARD LLP

4401 Eastgate Mall

SAN DIEGO, CA 92121

Ph. 858.404.9205

MATTHEW G. McANDREWS (*Pro Hac Vice*)

FREDERICK C. LANEY (*Pro Hac Vice*)

NIRO, HALLER & NIRO

181 West Madison Street, Suite 4600

Chicago, IL 60602

Ph. 312.236-0733